

REMARKS

In the Office Action mailed January 10, 2007, the Examiner took the following action: (1) rejected claims 1-7, 11, 33-36, and 38-40 under 35 U.S.C. §102(e) as being anticipated by Daume (US 6943299); (2) rejected claims 8-10 and 37 under 35 U.S.C. §103(a) as being unpatentable over Daume in view of Gazda (US 3916488); and (3) rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Daume in view of Matsui (US 4609171). Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

I. Rejections under 35 U.S.C. §102(e) and §103(a)

Claim 1-13

Claims 1-7 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by Daume (US 6943299). Claims 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Daume in view of Gazda (US 3916488), and claims 12 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Daume in view of Matsui (US 4609171).

As amended, claim 1 recites:

1. A clamp for holding an item to an electrically conductive structure, the clamp comprising:

a strap having structural strength and being configured to receive and hold the item, said strap being electrically conductive and having an inner surface proximate the item and an outer surface opposite the inner surface;

a fastener operatively coupled to said strap and configured to secure said strap to the structure;

a cushion disposed over at least a portion of said strap, *said cushion having a first portion disposed on the inner surface of the strap and at least one wing member extending laterally outwardly from the first portion around a lateral edge of the strap and covering at least a portion of the outer surface of the strap*, the cushion being configured to at least partially isolate the item from shock and vibration transmitted through said strap; and

a conductive material coupled to at least a portion of an inner surface of said cushion and configured to be positionable proximate the item, said conductive material being electrically coupled to said strap. (emphasis added).

Daume (US 6943299)

Daume teaches conductive clamps for pipes. According to Daume, a main body 4 has elastomeric sealing lips 14, 16, 18, 20 disposed about an inner surface (7:7-10) that engage with a pipe 66 (Figure 5). A conductive contact member 22 is engaged with the inner surface of the main body 4 and engages the pipe 66. (7:20-35).

Daume does not disclose, teach, or fairly suggest the clamp recited in claim 1. More specifically, Daume does not teach or suggest a clamp having a strap, and a cushion disposed over at least a portion of said strap, *said cushion having a first portion disposed on the inner surface of the strap and at least one wing member extending laterally outwardly from the first portion around a lateral edge of the strap and covering at least a portion of the outer surface of the strap* as recited in claim 1. According to Daume, the elastomeric sealing lips 14, 16, 18, 20 are disposed about an inner surface (7:7-10) of the body 4, and do not extend laterally outwardly around a lateral edge of the strap to an outer surface of the body 4. Accordingly, claim 1 is allowable over Daume.

Claims 2-7 and 11 depend from claim 1 and are allowable over Daume at least due to their dependencies on claim 1 and also due to additional limitations recited in those claims. For example, claim 7 recites the clamp of claim 1 wherein said cushion includes an interior surface and *wherein said conductive material comprises metallic stitching within said cushion, at least a portion of said stitching being exposed to the interior surface of said cushion*. (emphasis added).

There is no teaching or suggestion in Daume of a cushion that includes *metallic stitching within said cushion*.

Applicant respectfully notes that Daume's teaching of the contact element 22 being formed of a braided metal strip (7:20-23) is not the same as *metallic stitching within said cushion* as taught by Applicant. First, the braided metal strip of Daume is not *within said cushion*, but rather, is separate from the cushion. Second, the braided metal strip is not *metallic stitching*. As best shown in Applicant's Figures 3a and 3b, the metallic stitching 222, 322 taught by Applicant is similar to a metallic thread or wire that is sewn or stitched into the inner surface of the cushion. Therefore, the *metallic stitching within said cushion* is also not taught or fairly suggested by Daume, and claim 7 is allowable for this additional reason.

Gazda (US 3916488)

Gazda teaches cushions formed of poly-polymeric materials for covering metal clamps. According to Gazda, the cushion 88 is formed on an inner surface of the strap 92 and engages with a pipe 93. (Figures 15-16).

Gazda does not remedy the above-noted deficiencies of Daume. Specifically, Gazda does not teach or fairly suggest a clamp including a cushion, *said cushion having a first portion disposed on the inner surface of the strap and at least one wing member extending laterally outwardly from the first portion around a lateral edge of the strap and covering at least a portion of the outer surface of the strap* as recited in claim 1. According to Gazda, the cushion 88 does not extend beyond the inner surface of the strap 92. Therefore, claim 1 (and all claims depending therefrom) are allowable over the combined teachings of Daume and Gazda.

Furthermore, there is no teaching or suggestion in Gazda of *metallic stitching within said cushion* as recited in claim 7. For this additional reason, claim 7 is allowable over the combined teachings of Daume and Gazda.

Matsui (US 4609171)

Matsui teaches clamps for wire bundles. According to Matsui, a clamp includes a base 14 and a curved, elastic retaining member 16. (3:55-65). A projection 22 on the retaining member 16 engages a lock 28 on the base 14. (Figures 2-3) to form a clamp to secure a wire bundle.

Matsui does not remedy the above-noted deficiencies of Daume and Gazda. Specifically, Matsui does not teach or fairly suggest a clamp including a cushion, *said cushion having a first portion disposed on the inner surface of the strap and at least one wing member extending laterally outwardly from the first portion around a lateral edge of the strap and covering at least a portion of the outer surface of the strap* as recited in claim 1. Therefore, claim 1 (and all claims depending therefrom) are allowable over the combined teachings of Daume, Gazda and Matsui.

Furthermore, there is no teaching or suggestion in Matsui of *metallic stitching within said cushion* as recited in claim 7. For this additional reason, claim 7 is allowable over the combined teachings of Daume, Gazda and Matsui.

Claim 33-40

Claims 33-36 and 38-40 stand rejected under 35 U.S.C. §102(e) as being anticipated by Daume (US 6943299). Claim 37 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Daume in view of Gazda (US 3916488).

As amended, claim 33 recites:

33. A method of securing an item to an electrically conductive structure, comprising:

coupling a conductive material to a cushioning material;

securing the cushioning material to an elongate strap having an inner surface proximate the item and an outer surface opposite from the inner surface, at least a portion of the strap being conductive, the conductive material being coupled to the conductive portion of the strap, *the cushioning material having a first portion disposed on the inner surface of the strap and at least one wing member extending laterally outwardly from the first portion around a lateral edge of the strap and covering at least a portion of the outer surface of the strap;*

at least partially encircling the item to be secured by the elongate strap, the cushioning material being placed between the elongate strap and the item, the conductive material contacting the item; and

fastening the elongate strap to the structure with a fastener, the conductive portion of the strap contacting the conductive structure. (emphasis added).

As described more fully above, the Cited References (Daume, Gazda, and Matsui) do not disclose, teach, or fairly suggest the method recited in claim 33. More specifically, the Cited References do not teach or suggest a method including securing the cushioning material to an elongate strap having an inner surface proximate the item and an outer surface opposite from the inner surface, at least a portion of the strap being conductive, the conductive material being coupled to the conductive portion of the strap, *the cushioning material having a first portion disposed on the inner surface of the strap and at least one wing member extending laterally outwardly from the first portion around a lateral edge of the strap and covering at least a portion of the outer surface of the strap* as recited in claim 33. Accordingly, claim 33 and all claims depending therefrom are allowable over the Cited References.

In addition, the Cited References further fail to teach or fairly suggest the method recited in claim 35. Claim 35 recites the method of Claim 33, wherein coupling a conductive material to a cushioning material comprises *stitching a metallic material into the cushioning material.*

(emphasis added). For this additional reason, claim 35 is allowable over the combined teachings of the Cited References.

CONCLUSION

Applicant respectfully submits that pending claims 1-13 and 33-40 are now in condition for allowance. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to telephone the undersigned at the telephone number listed below.

Respectfully Submitted,

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By:

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